

power to enforce this article by appropriate legislation.

"Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution, by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress."

Therefore, be it resolved by the Senate and House of Representatives of the State of Texas that the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the Legislature of the State of Texas.

That certified copies of this preamble and joint resolution be forwarded by the Governor of this State to the President of the United States, the Secretary of State of the United States, to the presiding officer of the United States Senate, and to the Speaker of the House of Representatives.

SECOND DAY.

Senate Chamber,
Austin, Texas,
Wednesday, Feb. 27, 1918.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem. Decherd.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Clark.	Page.
Collins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Decherd.	Westbrook.
Floyd.	Woodward.
Hall.	

Absent—Excused.

Gibson.	Parr.
Henderson.	Robbins.
McCollum.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed

with on motion of motion of Senator Smith.

Petitions and Memorials.

See Appendix.

Committee Reports.

See Appendix.

Pages and Porters.

The Chair announced the appointment of the following pages and porters:

Porters: Willie Carpenter, Henry Green, Buck Green, Irwin Hatcher, Eugene Williams, Jack Blocker, Horace Nickols, Robert Warren.

Pages: Dick McNutt, A. W. Kennard, Berkley Bell, John Moulden, Burwell Townley, Wilbur Johnson, Gustave Strithoff, Young Dowlen, G. K. Shearer, Jr., Ben Gresham.

Secretary to the President Pro Tem., William Atkinson.

Bills and Resolutions.

By Senator Dean:

S. B. No. 3, A bill to be entitled "An Act to amend Article 611 of the Penal Code of Texas adopted in 1911, so as to prohibit the sale of spirituous, or vinous liquors in quantities of one gallon or less, without taking out a license as a retail liquor dealer; prescribing a penalty for the violation of this Act; providing that prosecutions under this Act shall have precedence upon the dockets of the district courts; providing that persons convicted for violations of this Act shall not have the benefits of the suspended sentence act; and declaring an emergency."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senator Dean:

S. B. No. 4, A bill to be entitled "An Act to amend Article 612 of the Penal Code of Texas adopted in 1911, so as to prohibit the sale of malt liquors capable of producing intoxication, in quantities of one gallon or less, without taking out a license as a retail malt dealer; prescribing a penalty for the violation

of this Act; providing that prosecutions hereunder shall have precedence in the district courts; providing that persons convicted for violations of this Act shall not have the benefit of the suspended sentence act, and declaring an emergency."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senator Dean:

S. B. No. 5, A bill to be entitled "An Act to prohibit the sale of any spirituous, vinous or malt liquors, or medicated bitters, capable of producing intoxication to any person engaged, employed, or enlisted in the military or naval service of the United States, and in uniform, prescribing a penalty for the violation of this Act; providing that each sale shall constitute a separate offense, and declaring an emergency."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senator Dean:

S. B. No. 6, A bill to be entitled "An Act to prohibit the purchase or procuring for, or the sale, gift or delivery to any person engaged or enlisted in the military or naval forces of the United States, of any spirituous, vinous or malt liquors, or medicated bitters, capable of producing intoxication; prescribing a penalty for the violation of this Act, and declaring an emergency."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senator Dean:

S. B. No. 7, A bill to be entitled "An Act to prohibit making an appointment for, or soliciting any person in the service of the United States military or naval forces to meet or come in contact with any immoral woman, for the purpose of unlawful sexual intercourse; prohibiting any person operating a vehicle for hire from transporting any person engaged in the service of the United States military or naval forces to any place for the purpose of unlawful sexual intercourse; prohibiting any person operating a vehicle for hire from transporting any woman accompanied by any person engaged in the military or naval forces of the United States to any place for the purpose of unlawful sexual inter-

course; providing a penalty for the violation of this Act, and declaring an emergency."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senator Lattimore:

S. B. No. 8, A bill to be entitled "An Act to prohibit the barter, sale or exchange in time of war of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication within ten miles of any camp or concentration point where soldiers, sailors, marines or aviators are being trained in time of war for military service in the army or navy of the United States, and to provide suitable punishment for a violation of the terms of said Act."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senator Dean:

S. B. No. 9, A bill to be entitled "An Act to prohibit the sale of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, by any person in the State of Texas within ten miles of any camp, cantonment, field, school or any other place where soldiers of the United States army, navy, marine corps or aviation department are being quartered, held or trained for military service in time of war; making each violation a separate offense; providing a penalty; providing that in prosecution for violation of this Act the accused shall not be entitled to the benefits of the Suspended Sentence Act of this State, and declaring an emergency."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senator Collins:

S. B. No. 10, A bill to be entitled "An Act authorizing the creation and establishment of water control and preservation district for the control and preservation of the purity of the waters of rivers, creeks, bayous, lakes, canals, streams or other waters, for irrigation or in aid thereof, by the prevention of the inflow of salt water or other deleterious substances; the changing of said waters from salt to fresh water and the impounding of fresh water; empowering such districts to erect, construct, maintain, repair and re-

construct dams, bulkheads, jetties, locks, gates or any other character of improvements necessary to the accomplishment of said purposes, or any of them; creating boards of water control and preservation where the lands embraced in such districts lie in two or more counties, or parts of counties, and defining the powers of such boards of water control and preservation; providing for the method of establishment of such districts; authorizing the ordering and holding of elections for the purpose of voting on the establishment of such districts, and the issuance of bonds and levy of tax in payment for such improvements and the levying and collecting of taxes for payment of such bonds, and interest thereon; authorizing the appointment of directors of such water control and preservation districts and defining their duties and powers; granting the right of eminent domain to such water control and preservation districts, authorizing the directors of such districts to acquire by purchase, gift or grant, for such district, title to any right-of-way and other property necessary for the purposes of such districts; granting a right-of-way over all public lands in the State necessary to effectuate the purposes of such district; authorizing the conveyance of any property acquired to the United States for certain purposes; authorizing the directors to employ an engineer, manager and other employes, to employ counsel, to enter into contract for such improvements; to agree or co-operate with the government of the United States, the proper department or officer thereof, for the carrying out of such improvements or the supervision of same, and for all things necessary for the maintenance of such districts according to the provisions of this Act; providing for entering upon lands for surveys and for all purposes of this Act, and providing for penalties for preventing or prohibiting such entry upon lands; providing for the selection of depositories; authorizing the directors to issue bonds in amount sufficient to cover the cost of the proposed improvements, the expenses incident thereto and expenses necessarily incurred in connection with the creation and establishment of such districts, the amount of said bonds not to exceed the amount authorized by the elec-

tion; requiring the directors to levy a tax upon all taxable property within the district to pay the interest on such bonds, together with an additional amount to be placed in a sinking fund sufficient to pay the bonds at maturity; to levy and cause to be assessed taxes sufficient in amount to pay for the expense of assessing and collecting such taxes, for the expenses incident to the maintenance of the district and for the maintenance, operation and repair of such improvements; requiring the commissioners court of the county or counties within which the district is situated to order the county tax assessor to assess all property within such district, lying within the county, and list the same for taxation; providing the method of assessment and a penalty for the failure of any tax assessor to comply with the order of the commissioners court to so assess; providing the remedy by mandamus in the event any commissioners court should fail or refuse to order the county tax assessor to assess said property; requiring the tax collector of the counties in which such district is situated to collect the taxes for said district within his county; providing for the commissioners court to require an additional bond or security from such tax collectors; providing for the method of collecting the taxes, the bringing of suits for collection of delinquent taxes and the enforcement of tax liens created by this Act; providing penalties for failure or refusal of tax collectors to give additional bond or security or to collect the taxes; providing when taxes shall mature and be paid and penalties for failure to pay same within the required time; providing for reports by district depositories and by board of directors; providing for the filing of suits to establish the validity of such districts and of the bonds; fixing the venue and procedure in such actions and the effect of such judgments; providing for the registration of the bonds of such districts by the Comptroller of the State; providing for the sale of such bonds; prohibiting suit brought in any court of the State contesting or enjoining the validity of the formation of any district or the bonds except in the name of the State of Texas by the Attorney General upon his own motion or upon the

motion of any party affected thereby; providing the method of paying out funds of said district, providing for two or more districts undertaking joint projects; providing generally a complete system for the establishment of such districts and the government of same; authorizing the directors to invest the sinking fund, and declaring such districts defined districts within the meaning of the Constitution, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Dean:

S. B. No. 11, A bill to be entitled "An Act declaring that if any person shall during the time the United States of America is at war, use any language in the presence and hearing of another, of and concerning the United States of America, the entry or continuance of the United States of America in the war, or of and concerning any flag, standard, color or ensign of the United States of America, or any imitation thereof, or that of any officer of the United States of America, which language is disloyal to the United States of America, or abusive in character and calculated to bring into disrepute the United States of America, the entry or continuance of the United States of America in the war; the army, navy, marine corps of the United States of America, or any flag, standard, color or ensign of the United States of America, or any imitation thereof, or that of any officer of the United States of America, of such nature as to be reasonably calculated to provoke a breach of the peace, if said in the presence and hearing of a citizen of the United States of America, shall be a felony, and fixing the punishment for such action to confinement in the State penitentiary for any period of time not less than one year nor more than twenty-five years; declaring that if any person shall, during the time the United States of America is at war, commit to writing, or printing, or both writing and printing, by letters, words, signs, figures, or in any other manner and in any language anything of the kind of and concerning those things just enumerated in this caption, and of the kind and character thus stated in this caption that such

person shall be guilty of a felony, and shall be punished as above stated; declaring that any person who shall publicly or privately mutilate, deface, defile, defy, tramp upon or cast contempt, either by words or acts, upon any flag, standard, color or ensign of the United States of America, or that of any of its officers, or either of them, shall be guilty of a felony and punished as just stated; declaring that any person who during the war between the United States and any other nation shall display, or have in his possession for any purpose whatsoever, any flag, standard, color, or ensign, or coat of arms of any nation with which the United States is at war, or any imitation thereof, or that of any State, subdivision, city or municipality of any such nation, shall be guilty of a felony and punished by confinement in the penitentiary for the length of time first stated in this caption; authorizing any person, officer or other person to arrest, without warrant, anyone violating any section of this Act; prescribing the force and measures which may be adopted in such case; declaring that any person, officer or other person about to make such arrest shall have authority to require any person violating the provisions of this Act to desist from such violation, and authorizing the use of such force and measures as are necessary to cause such person to so desist; fixing venue and jurisdiction for violations of this Act in the district courts of the counties in which such violations occur and in the district court of Travis County, Texas; and declaring an emergency."

Read first time and referred to the Committee on Criminal Jurisprudence.

Simple Resolution No. 9.

Whereas, There is, a disastrous drought of two years' standing now confronting the citizenship, the South, Central, and West Texas; and,

Whereas, Many farmers throughout the drought stricken section have been forced to leave their homes and go to other states, thereby depriving the State of good citizens; and,

Whereas, Many other farmers have not the money with which to buy seed for this year's planting and food and raiment to sustain themselves

and their families for this year; and, and,

Whereas, Our patriotic Governor, Hon. W. P. Hobby, did appoint a committee to solicit a loan from the Federal Government; and,

Whereas, Said committee did visit Washington and believed that it had secured a promise from the Comptroller of Currency and Secretary of the Treasurer to deposit fifty million dollars in banks to loan to the drought sufferers for the purpose of caring for and enabling said farmers to plant crops and aid the stockmen to secure feed for their famished herds and flocks; and,

Whereas, Said promised aid has never sufficiently materialized; therefore, be it

Resolved by the Senate of Texas, That United States Senators of Texas and the members of Congress be memorialized and urgently requested to again take this matter up with the Federal Government, to the end that said loan may be secured at once, and that a copy of this resolution be at once wired to each member of the Texas delegation and the two United States Senators of Texas by the Secretary of this Senate.

HUDSPETH.

The resolution was read and adopted.

(Senator Alderdice in the chair.)

Simple Resolution No. 10.

I move that no Senator be permitted to speak more than once on any bill or resolution that may be considered during the current called session of the Legislature, and that the time allowed to each Senator to discuss any measure shall not exceed ten minutes.

McNEALUS.

The resolution was read and by request of Senator McNealus, the same was referred to the Committee on Rules with request that it be reported back tomorrow.

Simple Resolution No. 11.

Whereas, There are many sections of the Terrell Election Law controlling and regulating primary elections

which need amendment and change, and,

Whereas, Such law cannot be amended until same has been submitted by the Governor; now therefore be it

Resolved by the Senate of Texas, That the Governor be requested to submit to the Legislature for its consideration the amendment of such primary election law.

STRICKLAND.

The resolution was read and Senator Strickland moved the adoption of same.

As a substitute Senator Clark moved to refer the resolution to the Committee on Stock and Stock Raising.

Senator Strickland moved to table the substitute which motion prevailed by the following vote:

Yeas—18.

Alderdice.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McNealus.
Collins.	Page.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	Suiter.
Hopkins.	Westbrook.

Nays—5.

Caldwell.	Hudspeth.
Clark.	Woodward.
Hall.	

Present—Not Voting.

Bailey.	Dayton.
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Absent.

Henderson.	Robbins.
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Absent—Excused.

Gibson.	Parr.
McCollum.	

Action recurred upon the resolution and Senator Clark moved to table the same, which motion was lost by the following vote:

Yeas—5.

Caldwell.	Hudspeth.
Clark.	Woodward.
Hall.	

Nays—17.

Alderdice.	Johnston of Harris.
Bee.	Lattimore.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Collins.	Smith.
Dean.	Strickland.
Floyd.	Suiter.
Hopkins.	Westbrook.
Johnson of Hall.	

Present—Not Voting.

Bailey.	Dayton.
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Absent.

Decherd.	Robbins.
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Absent—Excused.

Gibson.	McCollum.
Henderson.	Parr.

Senator Dean moved the previous question on the adoption of the resolution, which being duly seconded was ordered.

Action recurred upon Simple Resolution No. 11, and the same was adopted by the following vote:

Yeas—17.

Alderdice.	Johnston of Harris.
Bee.	Lattimore.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Collins.	Smith.
Dean.	Strickland.
Floyd.	Suiter.
Hopkins.	Westbrook.
Johnson of Hall.	

Nays—5.

Caldwell.	Hudspeth.
Clark.	Woodward.
Hall.	

Present—Not Voting.

Bailey.	Dayton.
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Absent.

Decherd.	Robbins.
Henderson.	

Absent—Excused.

Gibson.	Parr.
McCollum.	

At Ease.

By request of Senator Hopkins, the Senate at 10:54 a. m. stood at ease for ten minutes.

In the Senate.

(President Pro Tem. Decherd in the chair.)

Message from the House.

Hall of the House of Representatives.
Austin, Texas, Feb. 27, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 2, Inviting Hon. W. J. Bryan to address the Fourth Called Session of the Thirty-fifth Legislature.

H. B. No. 1, A bill to be entitled "An Act appropriating \$60,000.00 to pay mileage and per diem of members and officers of the Fourth Called session of the Thirty-fifth Legislature."

H. B. No. 2, A bill to be entitled "An Act appropriating \$16,000.00 to pay contingent expenses of the Fourth Called session of the Thirty-fifth Legislature."

S. C. R. No. 1, Relating to the joint rules of the House and Senate.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Bills Read and Referred

The Chair, President Pro Tem. Decherd, had referred, after their captions had been read, the following House bills:

House Bill No. 1, referred to the Committee on Finance.

House Bill No. 2, referred to the Committee on Finance.

Simple Resolution No. 12.

Whereas, It is almost certain that the Honorable Joseph W. Bailey, formerly a distinguished member of Congress and United States Senator from Texas, will be in this State within a few days; and,

Whereas, On account of his distinguished services to the Democracy of Texas and the nation, as a Democrat, a true recognition should be given by all loyal Democrats, and said Senator is hereby invited to address the Senate at some day in the near future as may suit his con-

venience, on any subject that he may choose to speak upon.

Woodward, Dayton, Caldwell, McNealus, Smith, Hudspeth, Clark, Johnston of Harris.

The resolution was read and Senator Hudspeth moved the adoption of the same, and on that motion, moved the previous question which being duly seconded, was accordingly ordered.

Action recurred upon the adoption of the resolution and the same was adopted by the following vote:

Yeas—19.

Alderdice.	Hudspeth.
Bailey.	Johnston of Harris.
Bee.	Lattimore.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Smith.
Clark.	Strickland.
Dayton.	Westbrook.
Hall.	Woodward.
Hopkins.	

Nays—7.

Collins.	Floyd.
Dean.	Johnson of Hall.
Decherd.	Suiter.

Absent.

Robbins.

Absent—Excused.

Gibson.	McCollum.
Henderson.	Parr.

Oath of Office Administered.

At the request of the presiding officer, Mr. F. H. Pierson, Assistant Journal Clerk, appeared before the bar of the Senate and took the constitutional oath of office, administered by President Pro Tem. Decherd.

Simple Resolution No. 13.

Whereas, The Hon. Morris Shepard, a distinguished United States Senator from Texas, who has won a Nationwide reputation by submitting through the Congress of the United States an amendment known as Nationwide prohibition amendment, therefore, be it

Resolved, That he be invited to

address this session of the Legislature on any subject he may select.

DAYTON.

WESTBROOK.

The resolution was read and adopted.

Senate Concurrent Resolution No. 2.

Whereas, The Honorable Wm. Jennings Bryan, illustrious Democratic leader and distinguished American, will be in Texas soon and has dates to speak at Denton and Fort Worth on March 5th and 6th, respectively; therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, That the Hon. Wm. Jennings Bryan be invited to address the Legislature in joint session at such time and on such subject as may suit him.

MCNEALUS.

SMITH.

The resolution was read and adopted.

At Ease.

At 11:15, the Senate, on motion of Senator Dean, stood at ease subject to the call of the Chair.

In the Senate.

(President Pro Tem. Decherd in the chair.)

House Bill No. 1.

(By unanimous consent.)

Senator Caldwell moved that the constitutional rule requiring bills to be read on three several days be suspended and House Bill No. 1 put on its second reading.

The motion prevailed by the following vote:

Yeas—22.

Alderdice.	Floyd.
Bailey.	Hall.
Bee.	Hudspeth.
Buchanan of Scurry.	Johnson of Hall.
Caldwell.	Johnston of Harris.
Collins.	Lattimore.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Smith.

Strickland.	Westbrook.
Suiter.	Woodward.

Absent.

Buchanan of Bell.	Hopkins.
Clark.	Robbins.

Absent—Excused.

Gibson.	McCollum.
Henderson.	Parr.

The Chair laid before the Senate on second reading:

H. B. No. 1, A bill to be entitled "An Act appropriating \$60,000 to pay mileage and per diem of members and officers of the Fourth Called Session of the Thirty-fifth Legislature."

On motion of Senator Caldwell, the Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Caldwell, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 1 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Clark.	Page.
Collins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Decherd.	Westbrook.
Floyd.	Woodward.
Hall.	

Absent.

Robbins.

Absent—Excused.

Gibson.	McCollum.
Henderson.	Parr.

The bill was laid before the Senate, read third time and, on motion of Senator Caldwell, was passed by the following vote:

Yeas—25.

Alderdice.	Bee.
Bailey.	Buchanan of Bell.

Buchanan of Scurry.	Johnson of Hall.
Caldwell.	Johnston of Harris.
Clark.	Lattimore.
Collins.	McNealus.
Dayton.	Page.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	Suiter.
Hall.	Westbrook.
Hopkins.	Woodward.
Hudspeth.	

Absent.

Robbins.

Absent—Excused.

Gibson.	McCollum.
Henderson.	Parr.

Simple Resolution No. 14.

Resolved, That the Secretary of the Senate be instructed to notify by telegrams the distinguished men who have been by resolution requested to address the Senate, or the Legislature, at the current session, of this action, and instruct him to pay for the same out of the contingent expense fund of the Senate.

MCNEALUS.

The resolution was read and adopted.

House Bill No. 2.

(By unanimous consent.)

Senator Caldwell moved that the constitutional rule requiring bills to be read on three several days be suspended and House Bill No. 2 put on its second reading.

The motion prevailed by the following vote:

Yeas—25.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Clark.	Page.
Collins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Decherd.	Westbrook.
Floyd.	Woodward.
Hall.	

Absent.
Robbins.
Absent—Excused.
Gibson. McCollum.
Henderson. Parr.

The Chair laid before the Senate on second reading:

H. B. No. 2, A bill to be entitled "An Act appropriating \$16,000 for contingent expenses of the Fourth Called Session of the Thirty-fifth Legislature."

On motion of Senator Caldwell the Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Caldwell, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 2 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Clark.	Page.
Collins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Decherd.	Westbrook.
Floyd.	Woodward.
Hall.	

Absent.

Robbins.

Absent—Excused.

Gibson. McCollum.
Henderson. Parr.

The bill was laid before the Senate, read third time and, on motion of Senator Caldwell, was passed by the following vote:

Yeas—24.

Alderdice.	Collins.
Bailey.	Dayton.
Bee.	Dean.
Buchanan of Bell.	Decherd.
Buchanan of Scurry.	Floyd.
Caldwell.	Hopkins.
Clark.	Hudspeth.

Johnson of Hall. Smith.
Johnston of Harris. Strickland.
Lattimore. Suiter.
McNealus. Westbrook.
Page. Woodward.

Absent.

Hall.

Robbins.

Absent—Excused.

Gibson. McCollum.
Henderson. Parr.

Messages from the Governor.

Here a messenger from the Governor's office appeared at the bar of the Senate with several executive messages, which were laid before the Senate and read as follows:

Governor's Office,

Austin, Texas, Feb. 27, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: I submit for your consideration the following subject for legislation; to wit:

A law declaring that if any person shall during the time the United States of America is at war use any language in the presence and hearing of another, of and concerning the United States of America, the entry or continuance of the United States of America in the war, or of and concerning any flag, standard, color, or ensign of the United States of America, or any imitation thereof, or that of any officer of the United States of America, which language is disloyal to the United States of America, or abusive in character and calculated to bring into disrepute the United States of America, the entry, or continuance of the United States of America in the war; the army, navy, marine corps of the United States of America, or any flag, standard, color, or ensign of the United States of America, or any imitation thereof, or that of any officer of the United States of America, of such nature as to be reasonably calculated to provoke a breach of the peace, if said in the presence and hearing of a citizen of the United States of America, shall be a felony, and fixing the punishment for such action to confinement in the State penitentiary for any period of time not less than one year nor more than twenty-five years;

declaring that if any person shall, during the time the United States of America is at war, commit to writing, or printing, or both writing and printing, by letters, words, signs, figures, or in any other manner and in any language anything of the kind of and concerning those things just enumerated in this caption, that such person shall be guilty of a felony, and shall be punished as above stated; declaring that any person who shall knowingly publicly or privately mutilate, deface, defile, defy, tramp upon, or cast contempt, either by words or acts, upon any flag, standard, color, or ensign of the United States of America, or that of any of its officers, or either of them, shall be guilty of a felony and punished as just stated; declaring that any person who during the war between the United States and any other nation shall knowingly display or have in his possession for any such purpose whatsoever, any flag, standard, color, or ensign, or coat of arms of any nation with which the United States is at war, or any imitation thereof, or that of any State, subdivision, city or municipality of any such nation, shall be guilty of a felony and punished by confinement in the penitentiary for the length of time first stated in this caption; authorizing any person, officer or other person to arrest, without warrant, anyone violating any section of this law; prescribing the force and measures which may be adopted in such case; declaring that any person, officer, or other person about to make such arrest, shall have authority to require any person violating the provisions of this law to desist from such violation, and authorizing the use of such force and measures as are necessary to cause such person to so desist; fixing venue and jurisdiction for violations of this law in the district courts of the counties in which such violations occur and in the District Court of Travis County, Texas; and declaring an emergency.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office,
Austin, Texas, Feb. 27, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session.

Gentlemen: Referring further to
the sixth subject submitted in the

official proclamation convening the Legislature in special session pertaining to the creation of reclamation districts, I submit for your consideration the following for legislation, to wit:

1. An effective law authorizing the creation and establishment of water control and preservation districts for the control and preservation of the purity of waters of rivers, creeks, bayous, lakes, canals, streams or other waters, for irrigation or in aid thereof, by the prevention of the inflow of salt water or other deleterious substances; the changing of said waters from salt to fresh water and the impounding of fresh water; empowering such districts to erect, construct, maintain, repair and reconstruct dams, bulkheads, jetties, locks, gates or any other character of improvements necessary to the accomplishment of said purposes, or any of them; creating boards of water control and preservation where the lands embraced in such districts lie in two or more counties, or parts of counties, and defining the powers of such boards of water control and preservation; providing for the method of establishment of such districts; authorizing the ordering and holding of elections for the purpose of voting on the establishment of such districts, and the issuance of bonds and levy of tax in payment for such improvement and the levying and payment and the levying and collecting of taxes for payment of such bonds, and interest thereon; authorizing the appointment of directors of such water control and preservation districts and defining their duties and powers; granting the right of domain to such water control and preservation districts, authorizing the directors of such districts to acquire by purchase, gift, or grant, for such district title to any right-of-way and other property necessary for the purposes of such districts; granting a right of way over all public lands in the State necessary to effectuate the purpose of such district; authorizing the conveyance of any property acquired to the United States for certain purposes; authorizing the directors to employ an engineer, manager and other employes, to employ counsel, to enter into contract for such improvements; to agree to co-operate with the government of the United States, the pro-

per department or officer thereof, for the carrying out of such improvements or the supervision of same, and for all things necessary for the maintenance of such districts according to the provision of this law; providing for entering upon lands for surveys and for all purposes of this law, and providing for penalties for preventing or prohibiting such entry upon lands; providing for the selection of depositories; authorizing the directors to issue bonds in amount sufficient to cover the cost of the proposed improvements, the expenses incident thereto and expenses necessarily incurred in connection with the creation and establishment of such districts, the amount of said bonds not to exceed the amount authorized by the election; requiring the directors to levy a tax upon all taxable property within the district to pay the interest on such bonds, together with an additional amount to be placed in a sinking fund sufficient to pay the bonds at maturity; to levy and cause to be assessed taxes sufficient in amount to pay for the expense of assessing and collecting such taxes, for the expenses incident to the maintenance of the district and for the maintenance, operation and repair of such improvements; requiring the commissioners court of the county or counties within which the district is situated to order the county tax assessor to assess all property within such district, lying within the county, and list the same for taxation; providing the method of assessment and a penalty for the failure of any tax assessor to comply with the order of the commissioners court to so assess; providing the remedy by mandamus in the event any commissioners court should fail or refuse to order the county tax assessor to assess said property; requiring the tax collector of the counties in which such district is situated to collect the taxes for said district within his county; providing for the commissioners court to require an additional bond or security from such tax collectors; providing for the method of collecting the taxes, the bringing of suits for collection of delinquent taxes and the enforcement of tax liens created by this law; providing penalties for failure or refusal of tax collectors to give additional bond or security or to collect the taxes; pro-

viding when taxes shall mature and be paid and penalties for failure to pay same within the required time; providing for reports by district depositories and by board of directors; providing for the filing of suits to establish the validity of such districts and of the bonds; fixing the venue and procedure in such actions and the effect of such judgments; providing for the registration of the bonds of such districts by the Comptroller of the State; providing for the sale of such bonds; prohibiting suit brought in any court of the State contesting or enjoining the validity of the formation of any district or the bonds except in the name of the State of Texas by the Attorney General upon his own motion or upon the motion of any party affected thereby; providing the method of paying out funds of said district; providing generally a complete system for the establishment of such districts and the government of same; authorizing the directors to invest the sinking fund, and declaring such districts within the meaning of the Constitution, and repealing all laws or parts of laws in conflict herewith.

Respectfully submitted,
W. P. HOBBY,
Governor of Texas.

Governor's Office,
Austin, Texas, Feb. 27, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session.

Gentlemen: I submit for your consideration the following subject:

"An act to amend Chapter 1 of Title 44 of the Revised Civil Statutes of this State, by adding immediately following Article 2439 thereof a new Article 2439a, providing in substance that during the continuance of a state of war between the governments of the United States and Germany the Treasurer of this State from time to time shall in like manner and with the approval of the Attorney General and Comptroller invest the surplus funds of the State not deposited in State Depositories and not required to meet the current expenses of the government in such short time United States Certificates of Indebtedness as may have been heretofore or as may hereafter be authorized by Congress; providing that when necessary such certificates may be cashed or sold for not less than par and accrued interest; pro-

viding that such investments shall be made only when such certificates are offered directly by the government of the United States; declaring that the Treasurer shall, under such rules as may be established by him, the Attorney General and Comptroller, make subscriptions to allotments from time to time of such certificates and execute the necessary instruments and documents to carry this Act into effect, making an appropriation for the payment of all expenses incident to carrying this Act into effect, providing for the payment thereof; this Act being preceded by a preamble and in Section two thereof declaring an emergency."

At the close of business February 26, 1918, there was a balance of \$8,030,680.88 in the State Treasury, including in this total only \$750,000. bearing interest in State Depositories. Except these deposits the funds in the State Treasury are non revenue producing. The United States Government is offering for investment short term Interim Certificates of Indebtedness maturing May 28th, the interest beginning as of date February 28th and running until May 28th. These certificates of indebtedness are an obligation of the government of the United States the same as a bond of the United States and will be paid out of the proceeds of the Liberty Loan which the Federal Government is now preparing to offer for investment. These certificates bear interest at the rate of 4 1-2 per cent per annum, and at the present time will afford an unusual opportunity for the immediate investment of the available funds of the State during a period when these funds will remain idle, although at the expiration of ninety days the need of the funds will begin to be felt, or a great portion thereof for the operation of the State Government. I am advised by the State Treasurer that approximately \$5,000,000.00 can be invested in this manner at once and leave available sufficient funds to meet the expenses of the State during that period. Such an investment in these interest bearing certificates for ninety days will yield to the State a revenue of \$56,250.00 and will not in the least inconvenience the Treasury of the State. These interim certificates are offered through the Federal Reserve Bank at Dallas, and the State Treas-

urer has assurance that if any emergency should arise under which these funds will be needed, or any portion of same, these certificates will be taken up at par and accrued interest through member banks of the Eleventh Federal Reserve District.

I recommend the immediate adoption of this legislation with the emergency clause in order to give the State Treasurer the opportunity to invest this money on a profitable basis to the State Government of Texas, and at the same time to materially and substantially assist the Federal Government in the sale of these Certificates which are issued because of the necessity of meeting the war expenses.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Adjournment.

At 12:15 o'clock p. m., on motion of Senator Clark, the Senate adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Petitions and Memorials.

Telegram.

Palestine, Texas, Feb. 26, 1918.

Senator J. J. Strickland, Austin, Tex.

Whereas, The Governor of Texas recognizing that our first and highest duty is to win the war and recognizing that the honor of Texas can not be maintained without removing every temptation to wrongdoing from our soldiers and aviators in training for the noblest task ever entrusted to mortal men, has called our Senators and Representatives together at Austin, and has recommended the enactment of certain legislation; now, therefore, be it

Resolved, By this meeting of citizens of Anderson County

First: That we unreservedly endorse the Governor's action in calling the Legislature in special session at this time.

Second: That we cordially approve of the measures recommended by the Governor and believe that those measures, and those measures only, should be promptly enacted into law

with emergency clauses; if other measures are to be enacted, they should follow, and not precede, those on which all patriotic Americans ought to unite.

Third: We request our Senators and Representatives at Austin to lend their full support to the enactment, without any delay, of the laws recommended by Governor Hobby, and thereby reflect the unquestionable will of the State to take care first of all of those who now stand first in defending the nation.

D. H. GUINN,
Chairman of Meeting.

The foregoing is printed by order of the Senate on request of Senator McNealus.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 27, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred S. B. No. 1, A bill to be entitled "An Act to amend Chapter 1 of Title 44 of the Revised Civil Statutes of the State of Texas of 1911, and to provide the manner in which State funds shall be kept and deposited; to define the State Depository Board and its powers, and what banks may become State Depositories, and the manner and means of selecting such State Depositories, providing for the distribution of such State funds among such depositories, repealing all laws in conflict, and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

(Floor Report.)

Senate Chamber,
Austin, Texas, Feb. 27, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Finance, to whom was referred

H. B. No. 1, A bill to be entitled "An Act appropriating \$60,000 to pay mileage and per diem of members and officers of the Fourth Called Session of the Thirty-fifth Legislature,"

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Hudspeth, Chairman; Caldwell, Johnson of Hall, Page, Westbrook, Clark, Johnston of Harris, Dean, Hopkins, Decherd, Bee.

(Floor Report.)

Senate Chamber,
Austin, Texas, Feb. 27, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Finance, to whom was referred

H. B. No. 2, A bill to be entitled "An Act appropriating \$16,000 for contingent expenses for the Fourth Called Session of the Thirty-fifth Legislature,"

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Hudspeth, Chairman; Caldwell, Johnson of Hall, Page, Westbrook, Clark, Johnston of Harris, Dean, Hopkins, Decherd.

THIRD DAY.

Senate Chamber,
Austin, Texas,
Thursday, Feb. 28, 1918.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. Decherd.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hall.
Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Caldwell.	McNealus.
Clark.	Page.
Collins.	Smith.
Dayton.	Strickland.
Dean.	Sulter.
Decherd.	Westbrook.
Floyd.	Woodward.

Absent—Excused.

Gibson.	McCollum.
Henderson.	Parr.
Hudspeth.	Robbins.